



MINUTES

Committee on Development and Planning Thursday, July 14, 2016 @ 10:00 a.m. 10th Floor Conference Room, City Hall

CALL TO ORDER

The meeting was called to order at 10:02 a.m.

ROLL CALL

Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair
Councilmember Judi Brown Clarke, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Bob Johnson, Planning & Neighborhood Development
Susan Stachowiak, Planning & Neighborhood Development
Adam Hussain, City County Member
Jim Smiertka, City Attorney
Pastor Trevino
Mark Dotson, Deputy City Attorney
Chris Knudstrup, BWL
Anne Rezspecki, BWL
Loretta Stanaway, Resident
Mary Toshach, Resident
Justin Hiddgo, The Bread House
Victor Trevino, The Bread House
Stephen Serkaian, BWL
William Hubbell
Ryan Smith, Cherry Hill Neighborhood Association
Anne Schrader, Resident
Dale Schrader, Resident
Dave Bolan, BWL
Jarl Brey, Capital Zip
Susan Luter, Resident
Bob Ford, BWL
Sharon Burton, Garden Club
Jeff Wood, Resident
Dick Peffley, BWL
Todd Heywood, City Pulse

PUBLIC COMMENT

Council Member Washington noted public comment will be offered during agenda items.

MINUTES

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM JUNE 23, 2016. MOTION CARRIED 3-0.

DISCUSSION/ACTION

RESOLUTION – ACT-7-2012; Sale of Former Fire Station #3; 629 W. Hillsdale Street

Mr. Johnson noted this was the 3rd and final fire station sale from the closures in 2010. There is an offer of \$125,000 and it was appraised at \$131,000. Council Member Washington noted there were no comments at the public hearing and there was assurance from the zoning department medical marihuana dispensaries would not be allowed.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-7-2012. MOTION CARRIED 3-0.

RESOLUTION – Set a Public Hearing; SLU-2-2016; Special Land Use Permit, Church in “F” Commercial & “D-1” Professional Office Districts at 5606 S. Martin Luther King, Jr. Blvd.

Ms. Stachowiak noted the property is zoned commercial, and a church in any district requires a SLU. She admitted that in the past the staff has recommended in commercial, however in recent years that has not worked out and Planning Board not recommending approval. If not approved, they will not be able to hold church service, but can still do community outreach services. Mr. Johnson had no comments.

Pastor Trevino and Mr. Hiddgo spoke about the start of the church in that location in 2013, the dedication and upkeep they have performed and the increase of members since that time. They noted all the outreach services they have been providing the residents and members in the area. Mr. Hiddgo noted that once they got the ticket for violation of the use, they went to the City to see what they needed to do and get things started. They have pulled permits; however feel they were misguided. Ms. Stachowiak confirmed PN & D staff told them that staff has consistently recommended not for approval of the use, but there have been cases where they were approved by Council despite that recommendation. She noted to the Committee that there was church representation at the Planning Board when it was recommended denial so the applicants are aware.

Council Member Brown Clarke asked the applicants what their understanding of the property was when they purchased it in 2013. Pastor Trevino stated it was a vacant building, bank owned, and when they talked to the representative that it used to be a teaching center but they did not know the zoning. They were not silent on their intentions and the real estate agenda noted there would be no problem. They also noted they had reached out to the Fire Department to make sure assembly use would be ok with fire code. Council Member Brown Clarke assured the Pastor that the Committee had no question of the work they were doing, but there was a concern with how it relates to the work and master plan. The dilemma is the consistency. Council Member Yorko added that Council has a concern there have been issues with SLU's granted for churches in commercial zones before and then with the results they have struggled with those decisions.

Council Member Washington acknowledged the work they had been doing; however there have been complaints about their church in Fabulous Acres and the lack of outreach to the neighborhood. She too reminded them they can continue doing their outreach without it being a church under SLU approval. Ms. Stachowiak confirmed they can continue to do classes, tutor,

counseling, but cannot hold church services without the approval of a SLU. Council Member Washington then admitted they have acquired a niche for what they can offer, but they need to find a more appropriate site for the church. Council Member Brown Clarke offered her assistance in helping them locate a site.

Mr. Hiddgo outlined their difference and asked for clarification on church services. Council Member Washington reiterated the support of the work, but the question before the Committee is the zoning and future of the avenue.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SLU- 2-2016. MOTION FAILED 1-2.

Council Member Brown Clarke reminded the group that the Master Plan was not just created by leadership, but created by a process of a blue print by the community and community leaders.

Council Member Yorko stepped away from the meeting at 10:34 a.m.

RESOLUTION – License Agreement for Zip line at Riverfront Park; Zip the Grand Inc.

Mr. Brey informed the Committee he had been working with Law on the lease for 2 sides of Grand River for a period of 10 years. Mr. Brey acknowledged he was now asking for Council acceptance, at which point he can pursue funding. This will provide funds back to Parks and Recreation in addition to rental fees on the land. Council Member Washington asked Mr. Smiertka if he had reviewed the document. Mr. Smiertka admitted he had looked at it but was asking for more time to review it.

Council Member Yorko returned to the meeting at 10:38 a.m.

Council Member Washington asked Ms. Stachowiak if the application had been before the Planning Board, which Ms. Stachowiak confirmed and also noted the Planning Board recommended approval.

Mr. Smiertka noted he wanted to review it for financing, government immunity, to name a few.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO TABLE THE REQUEST UNTIL THE AUGUST 11, 2016 MEETING. MOTION CARRIED 3-0.

Communication; Ingham County Treasurer Schertzing; Local Purchase option on Tax Foreclosed Properties

Mr. Johnson acknowledged the City had no interest in any of the properties listed. Council Member Brown Clarke asked about any interest in 3827 Burchfield which was recommended by the Council Internal Auditor. Mr. Johnson showed no interest, and pointed out that if the Land Bank takes possession of those properties they would be demolished.

MOTION BY COUNCIL MEMBER YORKO TO PLACE ON FILE. MOTION CARRIED 3-0.

RESOLUTION- Set a Public Hearing; SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project

RESOLUTION – Set a Public Hearing; Design Lansing Comprehensive Plan Amendment; 125 W. Malcom X; LBWL Central Substation Project

Council Member Washington asked the question of if the sale of the home to Habitat has to be separate and if the house should or must go before a vote of people, also noted that Habitat is not a City agency. Mr. Smiertka clarified that the City received it in 2003 which included Scott

Park and the house and/or center. The resolution removes the real estate and the house from the designation of a park. So the Committee decision to amend the Comprehensive Plan would remove both from the Resolution of 2003. Council Member Washington noted that Council's understanding was the they didn't remove the land off a "park designation" was because the only issue was with the house, and Council Member Brown Clarke noted that on Monday, July 11, 2016 Council was informed the park would maintain "park" status. Mr. Smiertka clarified his earlier statement, not he misspoke, and the house/center was being removed and the land was going for approval of a SLU. These resolutions will also be asking to undedicated the house/center. Mr. Peffley noted they need to remove the house to build on the site. Council Member Washington asked if Council sells the house if they are circumventing the Charter, and Mr. Smiertka noted Council has to remove the house from the 2003 Resolution. Council Member Yorko asked if the City can move the house to the Hillsdale parcel, then put it on the ballot to decide if they want the house to be designated "park" property or not. Mr. Smiertka stated yes, but the original property will stay "park" property. Council Member Yorko suggested putting the sale of the house on the ballot for the property on Hillsdale Street. Council Member Washington then suggested to Mr. Smiertka to redo the resolution to move it forward so everything is done property. Mr. Smiertka left the meeting to amend resolution.

Council Member Yorko stepped away from the meeting at 10:52 a.m.

Council Member Washington outlined the amendment to the BWL representatives and asked if they would still be interested to move the house, and Mr. Peffley confirmed they would.

Council Member Yorko returned to the meeting at 10:54 a.m.

Council Member Washington asked Mr. Johnson if the relocation can occur without the ACT. Mr. Johnson stated they can move the house without approval because the house would be moved from City property to another City property.

Council Member Washington informed all present that at this time the Committee will set the public hearings for SLU-3-2016 and the Design Amendment.

The discussion then lead into other options and a discussion had with BWL on other parcels in an industrial area which appeared to be in the same area a block south of another site BWL had admitted they had considered. Mr. Peffley acknowledged he had been approached on this suggestion and had engineers do a cursory look at this proposed site. There are other costs associated as part of the \$100 million project, such as distribution costs, sub costs and area used to figure into the base. Not including the cost of removing houses, currently it is \$7.75 million and since the suggested site was a larger amount they did not do any more due diligence. The proposed industrial lot does put BWL further from the distribution cable. BWL would have to cross the river to tie into the 18 circuits and would not able to complete by 2020. Based on the recent suggestion, which is south of the Reo plant, it would take \$18.8 million of relocation cost over the base of the center substation with a bulk of the cost caused for running further for the distribution cost and crossing the river to the 2 acre site. A timeline for the suggested site would allow cause them to miss the 2020 closing and therefore they would have to re-power Eckert. In addition the suggested site is further away from the downtown customers so more line loss is involved. Mr. Knudstrop added to the discussion that the further you go the more power you use. BWL will have to buy power to replace and that will go back into the rates of the users. With the figures estimated in a short amount of time, the base side for the substation is \$20 million which was a \$6 million savings but the transmission distribution cost

sky rocketed. Council Member Washington acknowledged their efforts and noted she was researching for unintended consequences.

Mr. and Mrs. Schrader distributed photo renderings of the site and asked what increased cost would be to each user. Mr. Peffley noted it would be 4% every year, over 7 years which would come to every customer rate base, in addition to any other rate increases coming from the new plant. There have not been any rate increases in 2 years but there will be once the Eckert plant is replaced. Ms. Schrader noted there appears to be no back up plan. Mr. Peffley noted that all areas will see an increase in that vicinity.

Council Member Washington asked if there is currently an infrastructure underground at the site, and Mr. Peffley noted there was none, and they will have to run from Eckert to GM to a corridor to 496, then in to the smaller circuits. When a substation is installed, they feed from the power source, and that feed goes around the whole City. There is no underground infrastructure at the suggested location that would feed downtown. To get to the suggested site it would take \$1.5 million. A substation takes a large supply and makes it usable.

Mr. Heywood asked if they are going from Eckert to a co-generation plant. Mr. Peffley stated there are 138,000 volts. Mr. Heywood then asked if that line is connected to downtown, which Mr. Peffley noted it does not. The power station at Eckert comes off to make power then it goes underground. This then goes around town to 14 substations; therefore that line cannot be tied into that is just output. Mr. Knudstrup noted that there is a cost to that and there is a transmission line along tracks between Eckert and REO that they would tap into just like they will tap into a line at Scott Park. If they used the suggested industrial site and it would cap into the Eckert to REO line, and cross the tracks twice, and that is all if they get the easements to do so. There are large industries to work around to get into the sub stations. That is one of the reasons they do not go up and down streets because it is to expense to work around businesses and turn corners. Mr. Peffley added that once you leave the substation the costs is higher when you have to go underground.

Council Member Washington asked about the recent 4 substation work. Mr. Peffley stated those were remodels at existing locations with no rezoning's needed, or locations in parks.

Ms. Stanaway spoke in opposition of the use of Scott Park, and gave her opinion that the REO Town Board had changed their opinion and no longer supports the project. In addition stated she also heard that the Garden Club will continue to support the park, but if the garden is moved they will not. Ms. Stanaway went on to note her opinion that the plan is in contradiction to the Master Plan and City Mission Statement. She did support placing the sale of the house on the ballot for the voters, but not moving it to the Hillsdale lot first. Lastly Ms. Stanaway asked a few questions, such as information on a timeline, what will happen to Cooley Gardens, and what the difference is between a trail in the flood plains and the proposed substation.

Ms. Luter asked why BWL has not spoken about 2 substations as they have presented in the past, asked if other parks are in jeopardy of substations, asked what happens if BWL no longer funds maintenance of the park, and spoke in opposition to the proposed wall because of her belief you will still be able to see the metal.

Mr. Peffley tried to answer some of the questions, noting that there are substations in current parks such as Washington Park, Wood Street Park and Frandor. The wall height will be determined, but they only have to build it to 8'. They are interested in the suggestions from the

Community. He admitted they will hear and see the wires, but they are there now, and a higher wall doesn't look good but they can try to be accommodating.

Ms. Luter asked again about the two substation plan. Mr. Knudstrop acknowledged there had been discussion from the Planning Board about two sites, but engineering had difficulty finding two workable sites. In addition two sites would have a larger footprint combined and larger than 2 acres. The BWL has never had two sites; they will not be feeding the Lansing customers and GM from this new substation. When GM builds they will have to find their own location.

Council Member Washington wanted to remind the public that if it moves out of Committee on this date it is to set the public hearing, not that it is an affirmative vote at Council. The hearing allows for another opportunity for public input. The BWL engineers were also asked for information on other sites.

Mr. Johnson outlined his research on the parcels in questions, their history, transactions and involvement of the City and GM. This information was provided at the Committee of the Whole meeting on July 11, 2016.

Mr. Schrader spoke in support of saving the property and distributed additional renderings.

Mr. Smith stated his opinion that BWL is searching for loop holes in the City Charter and law to take the rights away from the people. Mr. Smith then asked why was there no discussion in the past when the City was working on the Master plan. Lastly Mr. Smith spoke in support of keeping it dedicated park land and placing the decision in the hands of the voters. Council Member Washington acknowledged Mr. Smith's comments and stated again Council needs to consider all the unintended consequences, then asked Mr. Smiertka if the Council has the ability to put the land on the ballot. Mr. Smiertka reminded the group that the people did adopt the Charter by a public vote, he would need to review the transcripts from the Charter Commission to determine if there was discussion and their thoughts when putting together the Charter. This includes provisions that the BWL uses all City owned property and they have the ability to use all public spaces. The designation of a park land can be changed from time to time, and in this case it is not embedded in the title for the property. Mr. Smith acknowledged he understood that BWL has the right to use the property, but still held his opinion that they were circumventing the Charter by not looking at the right of the voter.

Council Member Brown Clarke asked BWL representatives if they considered flipping the location of the substation on the site, making it flush with the GM industrial site. Mr. Peffley noted it had been considered, and Council Member Brown Clarke asked they address that at the public hearings.

Ms. Toshach spoke in opposition to the substation at the proposed site, and stated that BWL has never come to her neighborhood, Printers Row Condos, for their inputs.

Council Member Washington asked Mr. Peffley to work with Council for the sufficient information at the public hearing.

Ms. Stanaway challenged BWL to not look at this project as controversy, but a look at what the public wants.

Council Member Brown Clarke asked BWL to provide a diagram, mapping where the services fan out, and boundaries along with how BWL will tap in before it branches off.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 22, 2016 FOR SLU-3-2016 125 W. MALCOM X; LBWL CENTRAL SUBSTATION PROJECT. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 22, 2016 FOR DESIGN LANSING COMPREHENSIVE PLAN AMENDMENT; 125 W. MALCOM X; LBWL CENTRAL SUBSTATION PROJECT WITH THE CHANGES MADE BY CITY ATTORNEY SMIERTKA ADDING IT IS SUBJECT TO THE APPROVAL OF THE SALE OF THE SCOTT CENTER BUILDING BEING APPROVED BY THE ELECTORATE. MOTION CARRIED 3-0.

RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project
RESOLUTION – ACT-9-2016; Sale of 1020 W. Hillsdale Street to Habitat For Humanity
Capital Region (HFHCR); Relocation and Renovation of Scott Center

Council Member Washington stated the two items, which are the ACT for sale and authorization for construction cannot be acted upon until the public hearings for the SLU and Plan Amendment have been heard and acted upon. Therefore they will appear on the Committee agenda on August 25th, when the other two return to Committee.

Mr. Serkaian asked all citizens present to take his business card and email him questions and they will prepare responses at the public hearing. It was also offered that the public can meet with him beforehand also.

Placed on File

- Communication from Hank Frechtling of Locke Township: RE: Scott Sunken Garden
- Community from Judy Scott Teegardin; RE: Scott Sunken Garden

OTHER

Ms. Burton with the Garden Club distributed photos and spoke in opposition to the proposal.

Mr. Wood spoke in support of keeping the garden as it is./

Adjourn at 12:13p.m.

Submitted by,

Sherrie Boak, Recording Secretary,

Lansing City Council

Approved by the Committee on August 11, 2016